CEM

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
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SOUTHERN DISTRICT OF CALIFORNIA
DEPUTY

UNITED STATES OF AMERICA, Plaintiff, v. **Jose Manuel GARCIA-Madera,** Defendant	Magistrate Docket No. '08 MJ 0382
	COMPLAINT FOR VIOLATION OF: Title 8, U.S.C., Section 1326 Deported Alien Found in the United States

The undersigned complainant, being duly sworn, states:

On or about **February 10, 2008** within the Southern District of California, defendant, **Jose Manuel GARCIA-Madera,** an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James E. Bailey
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **11th** DAY OF **FEBRUARY 2008**

Anthony J. Battaglia
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Jose Manuel GARCIA-Madera

CGM

PROBABLE CAUSE STATEMENT

On February 10, 2008, Border Patrol Agent S. Kennerson, was conducting line watch operations in the Imperial Beach Border Patrol Station area of operations. At approximately 3:30 A.M., sector dispatch relayed via service radio of a seismic intrusion activation device in an area known as the "52 Draw". The "52 Draw" is approximately 4 miles west of the San Ysidro, California Port of Entry and approximately one quarter mile north of the United States/Mexico International Boundary. The "52 Draw" is commonly used by illegal aliens to further their illegal entry north.

Agent Kennerson responded to the area of the seismic activation and after a brief search of the surrounding area, Agent Kennerson discovered four individuals attempting to conceal themselves in some dense brush. Agent Kennerson approached the individuals and immediately identified himself as a United States Border Patrol Agent. Agent Kennerson then conducted an immigration inspection of each individual. All four individuals, including one later identified as the defendant **Jose Manuel GARCIA-Madera** freely admitted to being citizens and nationals of Mexico, not in possession of any immigration documents that would allow them to legally enter or remain in the United States. Agent Kennerson arrested all four individuals at approximately, 3:40 A.M., and subsequently arranged for their transport to the Imperial Beach Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **March 5, 2004** through **El Paso, Texas.** These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.